

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JAMES PAUCKERT,

Defendant.

Case No. 12-CR-138-TOR

CRIMINAL MINUTES

DATE: 9/27/2013

LOCATION: SPOKANE

SENTENCING HEARING

JUDGE THOMAS O. RICE			
Linda Hansen	LC 01	N/A	Ronelle Corbey
Courtroom Deputy	Law Clerk	Interpreter	Court Reporter
Timothy J Ohms		Robert R Fischer	
Plaintiff's Counsel		Defendant's Counsel	

Open Court

US Probation Officer: Shane Moore

Defendant present in custody of the US Marshal.

Court and counsel discuss proceedings with regard to guideline calculations.

Timothy Ohms moved for the admission of plaintiff's Exhibits 1-15.

No objection by Robert Fischer

Court: Plaintiff's Exhibits 1-15 are admitted.

9:05 am Leland McEuan, FBI Special Agent, sworn to testify

Direct examination by Timothy Ohms
Exhibits 1, 2, 3a, 3b, 4, 5, 6, 9, 7, 8, 10, 11, 12, 13, 14, 15 discussed with witness

9:36 am Cross examination by Robert Fischer
Exhibits 2, 4, 6, 7, 8, 10, 12, 13, 14, 15, 201 discussed with witness

10:19 am Redirect examination by Timothy Ohms

The Court questioned the witness.

Witness steps down and is excused.

10:21 am Marla Howard, Idaho Probation Officer, sworn to testify

Direct examination by Timothy Ohms

Cross examination by Robert Fischer

Witness steps down and is excused.

The Court has reviewed all the submissions of the parties, including the defense sentencing video.

PreSentence Investigation Report:

Mr. Ohms advised that objections to presentence report by the Government have been resolved.
Mr. Fisher argued an objection to 2 point enhancement regarding obstruction of justice.

The Court finds that the 2 point enhancement shall apply; and rules on and accepts the Presentence Investigation Report.

Mr. Fischer addressed the Court on the defendant's behalf and requested 5 years imprisonment and that time served in federal imprisonment run concurrent with defendant's state sentences in Idaho and Montana.

Mr. Ohms addressed the Court on behalf of the Government and requested the statutory maximum for Counts 1 and 2 – 120 months; supervised release - 3 years concurrent on Counts 1 and 2 and three years to run consecutive for Count 5.

Defendant addressed the Court on his own behalf.

Imprisonment: 144 months

120 months on Count 1; 120 months on Count 2; 144 months on Count 5 - all to run concurrent.

Imprisonment shall run consecutively to the defendants term of imprisonment to be imposed in his Idaho cases CR-2006-2377 and CR-2006- 3996

The Court makes the following recommendations to the Bureau of Prisons:

Defendant shall receive credit for the time served in federal custody prior to sentencing in this matter.
Defendant shall participate in the BOP Inmate Financial Responsibility Program.

Supervised Release: 3 years

3 years on Count 1; 3 years on Count 2; 3 years on Count 5 - all to run concurrent

Supervision shall include 13 standard conditions and the following special conditions:

14. Defendant shall submit your person, residence, office, or vehicle to a search, conducted by a U.S. probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. Defendant shall warn persons with whom defendant shares a residence that the premises may be subject to search.

15. Defendant shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

16. Defendant shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Special Penalty Assessment: \$300.00

Fine: Waived

Restitution: None

Forfeiture: Six-shot .38 caliber Smith and Wesson Revolver and 50 Remington .38 caliber rounds of ammunition.

While incarcerated the defendant shall make payments of not less than \$25.00 per month. Beginning 30 days after release from imprisonment defendant shall make monthly payments of not less than \$25 per month or 10% of defendant's net household income, whichever is larger, until said monetary obligation is paid in full.

The Court made a statement regarding variance of the sentence.

Appeal rights given.

Government moved to dismiss Counts 3 and 4 if the Indictment.

Court: GRANTED

Mr. Ohms confirmed that the Government is satisfied with forfeiture ordered by the Court.

Defendant is remanded to the custody of the US Marshal to complete his sentence.

CONVENED: 9:01 AM	ADJOURNED: 12:05 AM	TIME: 3 HRS / 4 MINS	CALENDARED []
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